



HEARINGS CONDUCTED BY THE
MICHIGAN LIQUOR CONTROL COMMISSION

Held: Tuesday, January 14, 2014
Lansing District Office
7150 Harris Drive
Lansing MI 48909

Present: Andrew J. Deloney, Chairman
Teri L. Quimby, Commissioner
Dennis Olshove, Commissioner

Absent: None

Chairman Deloney called the hearings to order at 10:08 a.m., noting a quorum was present.

1. Moved by Commissioner Olshove, supported by Commissioner Quimby, that the minutes of the Lansing Appeal Hearings of December 17, 2013, be approved as written and presented, motion carried by unanimous vote.
2. Dearborn Pantheon LLC, 12900 Michigan, Dearborn, Wayne County
Request ID# 669277

The licensing hearing was held for Dearborn Pantheon LLC, Request ID# 669277, which was tabled from appeal hearings held on October 1, 8, 15 and 24, 2013, November 19, 2013, and December 17, 2013. Dawn Hetzel and Felepe Hall appeared on behalf of the Attorney Generals Office, Attorneys Frank Palazzolo, Frederick M. Baker, Jr., Howard Goldberg, and member Melissa Hashem, appeared on behalf of the applicant. On December 19, 2012 the transfer ownership was denied, on March 21, 2013, the denial of the request for a transfer of ownership was affirmed, which was then subsequently appealed to the Ingham County 30th Circuit Court and then remanded back to the Commission on August 7, 2013. Chairman Deloney stated the request was denied based on three findings:

1. Administrative rule R 436.1041(1) as it appears the applicant is attempting to obtain the license for use and benefit of her fiancé, who may not otherwise be qualified for licensure;
2. Administrative rule R 436.1105(1)(b) as applicant failed to provide adequate, legitimate and verifiable documents regarding the financial resources necessary for the purchase of the alcoholic beverage inventory;

3. Administrative rule R 436.1105(2)(a) and (j) after considering that the applicant has been operating the business under a management agreement since November 12, 2012 and the applicant was found responsible for numerous violations of the Michigan Liquor Control Code and Administrative Rules, when determining whether an applicant should be issued a license or permit, and the effects that issuance of a license would have on the health, welfare, and safety of the general public.

The Commission deliberated on each of the three findings and their conclusions were stated on the record. Chairman Deloney summarized the Commission's deliberations and comments were made by Commissioner Quimby. Moved by Chairman Deloney to affirm the previous Commission Order dated December 19, 2012, and deny the request to transfer ownership of the 2012 Class C license with Sunday Sales Permit (P.M.), Entertainment Permit, one (1) Direct Connection, Topless Activity Permit and two (2) Bars, from Ross Enterprises, Inc., and request authorization for the sale of alcoholic liquor for consumption on the premises between 7:00 A.M. and 12:00 Noon on Sundays, as set forth in the Licensing Appeal Order. Commissioner Olshove supported, and the motion was carried by unanimous vote.

3. Dell W. Schmidtman & Charlene K. Wilcox, Co-Trustees for the Benefit of Kenneth Aaron Schmidtman Trust, 4646 E Howe, Bath, Bath Township, Clinton County
Request ID#658493

The licensing hearing was conducted for Dell W. Schmidtman & Charlene K. Wilcox, Co-Trustees for the Benefit of Kenneth Aaron Schmidtman Trust, Request ID# 658493, which was tabled from the appeal hearing held on May 21, 2013. Jason Geissler appeared on behalf of the Attorney Generals Office and Attorney Thomas Klug appeared on behalf of the applicant. Mr. Geissler and Mr. Klug offered comments regarding this case. After discussion on the record, Chairman Deloney made a motion to affirm the previous Commission Order dated February 20, 2013, and deny the request to transfer ownership of escrowed 2013 Class C license from Six-S Golf Operations, Inc., as set forth in the Licensing Appeal Order. Commissioner Quimby supported, and the motion was carried by unanimous vote.

4. El Paso Grill, LLC, 4880 Gratiot, Suite 3, Saginaw, Saginaw Township, Saginaw County
Request ID# 676468

The licensing hearing was conducted for El Paso Grill, Request ID# 676468. Jason Geissler appeared on behalf of the Attorney Generals Office and Eric B. Saenz, sole member, appeared on behalf of the applicant. Mr. Geissler and Mr. Saenz offered comments regarding this case. After discussion on the record, Chairman Deloney made a motion to reverse the previous Commission Order of denial dated November 6, 2013, and to approve the request to transfer ownership of escrowed 2013 Class C licenses from The McColgan Gallery, L.L.C. and transfer location, as set forth in the Licensing Appeal Order. Commissioner Olshove supported, and the motion was carried by unanimous vote.

5. S&J Investment LLC, 32086 E Red Arrow, Paw Paw, Antwerp Township, Van Buren County Request ID# 699758

The licensing hearing was conducted for S&J Investment LLC, Request ID# 699758. Jason Geissler appeared on behalf of the Attorney Generals Office, Attorney Roger Isaac and Amrit P. Singh, member, appeared on behalf of the applicant. Mr. Geissler, Mr. Isaac and Mr. Singh offered comments regarding this case. After discussion on the record, Chairman Deloney made a motion to reverse the previous Commission Order of denial dated October 2, 2013, and to approve the request for a new Specially Designated Merchant License with Sunday Sales Permit and motor vehicle fuel pumps under MCL 436.1541(1), as set forth in the Licensing Appeal Order. Commissioner Olshove supported, and the motion was carried by unanimous vote.

6. Slocum's Gifts, Décor and More, LLC, 111 Main, Buchanan, Berrien County Request ID# 578605

The show cause hearing was held for Slocum's Gifts, Décor and More, LLC, Request ID# 578605. Jason Geissler appeared on behalf of the Attorney Generals Office and Attorney R. McKinley Elliott appeared on behalf of the licensee. Mr. Geissler and Mr. McKinley offered comments regarding this case. After discussion on the record, Chairman Deloney advised this matter would be tabled to a hearing on a future date.

The appeal hearings were recessed at 11:28 a.m.

The appeal hearings were reconvened at 11:38 a.m. Present were Chairman Deloney, Commissioner Quimby and Commissioner Olshove.

7. JKTK, Inc., d/b/a Sunset Food Mart, 618 E Kalamazoo, Lansing, Ingham County
Request ID# 717945

The Show Cause hearing was held for JKTK, Inc., Request ID# 717945, in regards to an Emergency Suspension Order issued by the Commission on December 11, 2013. Jason Geissler appeared on behalf of the Attorney Generals Office, Attorney Michael Brown and sole stockholder, Saad Karana, appeared on behalf of the licensee. Also present was Officer Kurt Martens of the Lansing Police Department. Mr. Geissler and Mr. Brown offered comments on this case and testimony was taken from Officer Martens regarding the allegations and complaints against the licensee. After discussion on the record, Chairman Deloney made a motion to lift the emergency suspension that was ordered by the Commission on December 11, 2013, as set forth in the Show Cause Hearing Order. Commissioner Olshove supported, and the motion was carried by unanimous vote.

With no further business, moved by Commissioner Olshove, supported by Commissioner Quimby that the Appeal Hearings be adjourned at 1:44 p.m., motion carried by unanimous vote.

Andrew J. Deloney
Chairman

Anita Fawcett
Executive Services Division